



|  |   |                           |
|--|---|---------------------------|
| THOMAS C. LONGMAN, Individually and on   | ) |                           |
| behalf of all others similarly situated, | ) |                           |
|  | ) |                           |
| Plaintiff,                               | ) |                           |
|  | ) | Case No. 09-cv-8459 (RJH) |
| vs.                                      | ) |                           |
|  | ) |                           |
| DIREXION SHARES ETF TRUST, DANIEL D.     | ) |                           |
| O'NEIL, TODD KELLERMAN, DANIEL J.        | ) |                           |
| BRYNE, GERALD E. SHANLEY, III, JOHN      | ) |                           |
| WEISSER and RAFFERTY ASSET               | ) |                           |
| MANAGEMENT, LLC.                         | ) |                           |
|  | ) |                           |
| Defendants.                              | ) |                           |
|  | ) |                           |

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Motion of Proposed Lead Plaintiff Scott Woska for Consolidation, Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel and the Declaration submitted in support thereof and such other evidence as the Court may consider, Scott Woska moves the Court, pursuant to Sections 27(a)(3)(B) of the Securities Act of 1933 (the "Securities Act") for an order: (i) consolidating the above captioned actions; (ii) appointing him as Lead Plaintiff for the claims asserted; and (iii) approving his choice of Weiss & Lurie as Lead Counsel.

Dated: November 17, 2009

Respectfully submitted,

By: s/ Joseph H. Weiss  
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